

United States District Court
EASTERN DISTRICT OF WASHINGTON

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OCT 9 1996

JAMES H. LARSEN, CLERK
DEPUTY

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

✓CHARLES HARRISON BARBEE
ROBERT SHERMAN BERRY
JAY MERRELL, aka JAY

CASE NUMBER: 96-0378A-0/

(Name & Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT 1

That on or about April 1, 1996, at Spokane, in the Eastern District of Washington, CHARLES HARRISON BARBEE, ROBERT SHERMAN BERRY, and JAY MERRELL, aka JAY, by force, violence, and by intimidation, did take from the person and presence of another, approximately \$72,000 of money belonging to and in the care, custody, control, and management of U. S. Bank, located at 9208 E. Sprague, Spokane, Washington, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and CHARLES HARRISON BARBEE, ROBERT SHERMAN BERRY, and JAY MERRELL, aka JAY, in committing the aforesaid offense, did put in danger the life of another person by means and use of a dangerous weapon, to wit, a pipe bomb and firearms, all in violation of 18 U.S.C. 2113(a) and (d).

(CONTINUED ON ATTACHMENT A).

I further state that I am a Special Agent and that this complaint is based on the following facts:
Continued on the attached sheet incorporated herein by this reference. Yes No


Signature of Complainant David G. Bedford
Special Agent, FBI

Sworn to before me, and subscribed in my presence

October 9, 1996

Date

CYNTHIA IMBROGNO

United States Magistrate Judge

Name and Title of Judicial Officer

at Spokane, Washington

City and State


Signature of Judicial Officer

ATTACHMENT A

COUNT 2

That on or about April 1, 1996, at the Spokesman Review, located at 13208 East Sprague Avenue, Spokane, Washington, in the Eastern District of Washington, CHARLES HARRISON BARBEE, ROBERT SHERMAN BERRY, and JAY MERRELL, aka JAY, did knowingly and willfully use and carry a firearm that is a pipe bomb, during and in relation to a crime of violence, to wit, armed bank robbery, in violation of 18 U.S.C. 2113(d), all in violation of 18 U.S.C. 924(c)(1).

COUNT 3

That on or about April 1, 1996, at the U. S. Bank, located at 9208 E. Sprague, Spokane, Washington, in the Eastern District of Washington, CHARLES HARRISON BARBEE, ROBERT SHERMAN BERRY, and JAY MERRELL, aka JAY, did knowingly and willfully use and carry a firearm that is a pipe bomb, during and in relation to a crime of violence, to wit, armed bank robbery, in violation of 18 U.S.C. 2113(d), all in violation of 18 U.S.C. 924(c)(1).

COUNT 4

That on or about July 12, 1996, at Spokane, in the Eastern District of Washington, CHARLES HARRISON BARBEE, ROBERT SHERMAN BERRY, and JAY MERRELL, aka JAY, by force, violence, and by intimidation, did take from the person and presence of another, approximately \$36,666 of money belonging to and in the care, custody, control, and management of U. S. Bank, located at 9208 E. Sprague, Spokane, Washington, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and CHARLES HARRISON BARBEE, ROBERT SHERMAN BERRY, and JAY MERRELL, aka JAY, in committing the aforesaid offense, did put in danger the life of another by means and use of a

dangerous weapon, that is firearms, all in violation of 18 U.S.C. 2113(a) and (d).

COUNT 5

That on or about July 12, 1996, at Planned Parenthood, 20 South Pines, Spokane, Washington, in the Eastern District of Washington, CHARLES HARRISON BARBEE, ROBERT SHERMAN BERRY, and JAY MERRELL, aka JAY, did knowingly and willfully use and carry a firearm that is a pipe bomb, during and in relation to a crime of violence, to wit, armed bank robbery, in violation of 18 U.S.C. 2113(d), all in violation of 18 U.S.C. 924(c)(1).

COUNT 6

On or about October 8, 1996, in the Eastern District of Washington, CHARLES HARRISON BARBEE, ROBERT SHERMAN BERRY, and JAY MERRELL, aka JAY, did unlawfully possess unregistered firearms, to wit, destructive devices (grenades), which firearms had not been registered in the National Firearms Registration and Transfer Record as required by Chapter 53, Title 26, United States Code, in violation of 26 U.S.C. 5861(d) and 5871.

COUNT 7

On or about October 8, 1996, in the Eastern District of Washington, CHARLES HARRISON BARBEE, ROBERT SHERMAN BERRY, and JAY MERRELL, aka JAY, did unlawfully transport in interstate commerce from the state of Idaho to the states of Oregon and Washington, a Chevrolet Suburban, bearing Oregon license plate UZM132, stolen from Pocatello, Idaho, knowing the same to have been stolen, all in violation of 18 U.S.C. 2312.

COUNT 8

On or about October 8, 1996, in the Eastern District of Washington, CHARLES HARRISON BARBEE, ROBERT SHERMAN BERRY, and JAY MERRELL, aka JAY, did unlawfully transport in interstate commerce from the state of Oregon to the state of Washington,

a 1996 Ford Aerostar van, bearing Oregon license plate VAH256, stolen from Hood River, Oregon, knowing the same to have been stolen, all in violation of 18 U.S.C. 2312.

COUNT 9

Beginning on a date unknown but by in or about May 2, 1995, and continuing through on or about October 8, 1996, in the District of Idaho, District of Oregon, Western District of Washington, and the Eastern District of Washington, CHARLES HARRISON BARBEE, ROBERT SHERMAN BERRY, and JAY MERRELL, aka JAY, did knowingly combine, conspire, confederate and agreed together and with each other, and with other persons both known and unknown, to commit offenses against the United States, to wit: to commit the crimes in counts 1 through 8 above, in violation of 18 U.S.C. §§ 2113(a) and (d), 924(c), 2312, and 26 U.S.C. § 5861(d). In furtherance of the conspiracy and to effect the objects of the conspiracy, certain overt acts were committed in the Eastern District of Washington, to wit: overt acts including, but not limited to, counts 1 through 8 of this indictment which are incorporated herein by this reference.

All in violation of 18 U.S.C. § 371.

COUNT 10

On or about October 8, 1996, in the Eastern District of Washington, ROBERT SHERMAN BERRY, being a person who had theretofore been convicted of an offense punishable by imprisonment for a term exceeding one year, did possess firearms, which firearms had theretofore been transported in commerce and affecting commerce; all in violation of 18 U.S.C. 922(g)(1) and 924.